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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TYRONE DAVIS,

Defendant.

CASE NO: 2:12-CR-289-JCM-PAL
**MOTION TO CONDUCT A PRE-PLEA
PRESENTENCE INVESTIGATION
REPORT AND PROPOSED ORDER**

Certification: This Motion is timely filed.

COMES NOW, TYRONE DAVIS, by and through his attorneys of record, JAMES A. ORONOV, ESQ., and LUCAS J. GAFFNEY, ESQ., of the law firm ORONOV & ERICSSON LLC, and hereby moves this Honorable Court to order the United States Department of Parole & Probation to conduct a pre-plea presentence investigation report of TYRONE DAVIS as soon as possible.

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1 This request is based upon the pleadings and papers on file herein, the attached
2 Memorandum of Points and Authorities, and any oral argument the Court may entertain.

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4 Dated this 20th Day of November 2014.

5 /s/ James A. Oronoz
6 JAMES A. ORONoz, ESQ.
7 Nevada Bar No. 6769
8 700 South Third Street
9 Las Vegas, NV 89101
10 *Attorney for Tyrone Davis*
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MEMORANDUM OF POINTS AND AUTHORITIES**I. STATEMENT OF FACTS**

A federal grand jury returned an Indictment on August 7, 2012, charging Defendant, Tyrone Davis (“Davis”) with one count of possession of a firearm by a convicted felon, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2); possession of cocaine with intent to distribute, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(D); and use or possession of a firearm in relation to a drug trafficking offense, in violation of 18 U.S.C. §§ 922(g)(1) and 924(c).

II. LEGAL ARGUMENT

A presentence investigation report (“PSR”) may be initiated prior to entry of a guilty plea or nolo contendere or prior to the establishment of guilt. *See generally* Fed. R. Crim. P. 32.

Counsel requires a pre-plea presentence investigation report to determine whether Davis is potentially eligible to qualify as a Career Offender or Armed Career Criminal.

Counsel understands that Davis has prior felony and misdemeanor convictions and at least one probation violation. Counsel cannot accurately calculate whether DAVIS qualifies as a Career Offender or Armed Career Criminal pursuant to U.S.S.G. § 4B1.1 without the information that would be provided in the pre-plea PSR. DAVIS’ eligibility for Career Offender or Armed Career Criminal will drastically impact his sentencing exposure, potential negotiations, and his decision as to how he should proceed in this matter. In addition, the timing of Davis’ prior convictions may impact his United States Sentencing Guideline range and criminal history score, because of the time frame of the charged offenses. A pre-plea PSR will promote judicial economy and could greatly expedite the manner in which this case is

1 resolved. As such, Davis consents to the United States Department of Parole and Probation
2 conducting pre-plea presentence investigation, and disclosing the report to his attorneys.

3 Therefore, undersigned counsel respectfully requests this Court issue an Order directing
4 the United States Department of Parole and Probation to conduct a pre-plea presentence
5 investigation and disclose its findings in a pre-plea PSR as soon as possible.
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7 **III. CONCLUSION**

8 Based on the foregoing, the Defendant respectfully requests this Court grant the instant
9 Motion and issue an Order directing the United States Department of Parole & Probation to
10 conduct a presentence investigation and prepare a pre-plea PSR for TYRONE DAVIS as soon
11 as possible.
12

13 Dated this 20th Day of November 2014.

14 /s/ James A. Oronoz
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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TYRONE DAVIS,

Defendant.

CASE NO: 2:12-CR-289-JCM-PAL

ORDER

IT IS HEREBY ORDERED that that the United States Department of Parole and Probation conduct a presentence investigation of TYRONE DAVIS, and prepare a pre-plea Presentence Investigation Report to be disclosed to TYRONE DAVIS' attorneys.

DATED this 24th day of November, 2014.


UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF ELECTRONIC SERVICE

The undersigned hereby certifies that I am an employee of Oronoz & Ericsson LLC and is a person of such age and discretion as to be competent to serve papers.

That on November 20, 2014, I served an electronic copy of the above and foregoing MOTION TO CONDUCT A PRE-PLEA PRESENTENCE INVESTIGATION REPORT AND PROPOSED ORDER by electronic service (ECF) to the person(s) named below:

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/s/ Lucas Gaffney, Esq.
Employee of the Oronoz & Ericsson LLC